(31)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. No. 460/2006

PETITIONER		Bhau ram Dhruv S/o Kanhaiyalal Dhruv, Aged about 40 years, Sarpanch Gram Panchayat-Gabound, R/o Village – Gabound, Tahsil Palari, District Raipur
		Versus
RESPONDENTS	1	State of Chhattisgarh, Through – Secretary, Panchayat and Rural Development Department, D.K.S. Bhawan, Raipur (C.G.)
	2	Additional Collector, Baloda Bazaar, Raipur (C.G.)
	3.	Aarati Dhritlahare, Up Sarpanch, Gram Panchayat Gabound, Tahsil Palari, District Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Sanjay Patel, counsel for the petitioner.

Ms. Sunita Jain, Panel Lawyer for the State/respondent No.1 &2.

Shri Ajit Singh, Counsel for respondent No.3.

ORAL ORDER
(26.11.2007)

SUNIL KUMAR SINHA, J.

With the consent of learned counsel appearing for the parties, the matter is taken up for final hearing.

Heard.

This petition is directed against the order dated 30.12.2005 passed by the Additional Collector, Baloda Bazar, District Raipur in Panchayat Case No.22/A/89/2004-2005 in exercise of powers under Section 36(1) (m) of the Panchayat Raj Adhiniyam, 1993. Admittedly, under the scheme of the aforesaid act and the rules namely M.P. (C.G.) Panchayats (Appeal and Revision) Rules, 1995, there is a remedy of statutory appeal.

Bypassing the statutory appeal remedy, the petitioner could not have approached this Court since the appeal so provided for is an effective and efficacious remedy.

In this view of the matter, I am not inclined to entertain this writ petition anymore. Accordingly, this writ petition is dismissed.

However, liberty is reserved to the petitioner, if he so desires, to question the legality or otherwise of the order dated 30.12.2005 passed by the Additional Collector/respondent No.2 before the appellate forum within a month's time from today. If such an appeal is filed within the time granted by this Court, the appellate authority shall decide the same without reference to the period of limitation. All the contentions raised by the parties are left open.

The interim order passed in favour of the petitioner shall enure to the benefit of the petitioner for a further period of one month from today. Ordered accordingly.

The petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

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